

MINUTES OF THE PLANNING AND ZONING BOARD MEETING HELD MAY 25, 2017

Chairman Llewellyn called the May 25, 2017 meeting to order at 6:05p.m.

Present: Chairman Llewellyn, Member Lehning, Member Ricci and Member St. Clair.

Absent: Member Douthit, excused

Also Present: Town Planner Harowski and Administrative Assistant II Burke

APPROVAL OF MINUTES

Minutes of Regular Meeting held February 23, 2017 and April 27, 2017

Member Lehning, seconded by Member St. Clair, moved to approve the minutes as presented. Motion passed unanimously.

PUBLIC HEARING

Review of and recommendation to the “Board of Adjustment” (the Town Council will be sitting as the Board of Adjustment) for a Variance Application for setbacks from the Land Development Regulations for a sunroom located at 709 N Lakeshore Blvd.

Town Planner Harowski said the Town had received a request for a variance of 10 feet 6 inches from the required front yard setback of 35 feet to allow an enclosed sun room to be constructed 24 feet 4 inches from the front property line. The applicant has submitted an application responding to the criteria for a variance along with a survey of the property showing the proposed location for the sunroom.

Town Planner Harowski said Section 4.13.04 of the Land Development Code sets out standards for granting a variance. In making a recommendation to the Town Council, the Planning Board should consider these criteria in forming its recommendation. The criteria are listed below:

- A. Special conditions exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district.

Staff has not identified any conditions that are peculiar to the applicant's lot or house when compared with similar properties along this section of Lakeshore Boulevard. Staff has been advised that the existing open deck needs repair, but the property owner may make necessary repairs to the

structure even if portions of the structure are non-conforming with regard to the front yard setback.

- B. The special conditions and circumstances to not result from the actions of the applicant.

Staff concurs that the current condition of the property predates the applicant's ownership. Assuming the existing open deck met setbacks when it was constructed, there has been a change in the setback requirements that now prevents the conversion of this space into enclosed living area.

- C. The literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant.

The applicant still has the ability to enjoy the lakefront views either from the house or from the open deck. Views from the deck area are not the same type of all-weather views that the sun room would afford.

- D. The variance created is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variance request is based on the size of the desired room. The net increase in variance area over the current deck is 3.5 feet. Staff will concur that a 13-foot wide room is not excessive given the size and character of homes fronting the lake.

- E. Granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The applicant has claimed that the proposed sun room will not interfere with views of the lake from neighboring properties, and staff concurs with this opinion. The construction of the proposed sun room will not interfere with light and air access to adjacent properties. The advertising of the variance will provide the public an opportunity to offer comments on the general harmony of the project with the surrounding area.

Town Planner Harowski's recommendation to the Planning and Zoning Board is to not recommend the variance as it doesn't meet criteria A or C.

The Public Hearing was opened.

Ann Griffin, 709 N Lakeshore Blvd, said that she bought the house to downsize. She explained that the requested sunroom would replace the existing porch that was rotted. She said the sunroom would improve her property value along with the surrounding properties.

Member Lehning asked if it would be air conditioned. **Ann Griffin** replied yes.

Member Lehning asked if the deck was built when the house was. **Ann Griffin** replied no, that it was built around 2003.

Ann Griffin said that since there is already an existing porch could she rebuild. **Town Planner Harowski** replied that she may repair or replace what is already there but couldn't make alterations.

Member St. Clair asked what Ann Griffin's other options were. **Town Planner Harowski** said she could repair the existing porch but couldn't enclose it.

Martha Macfarlane, 210 E Cypress Ave, said she would like the Planning and Zoning Board to consider the value it would bring to Ann Griffin's property.

The Public Hearing was closed.

Member Lehning, seconded by Member St. Clair, moved to recommend to the "Board of Adjustments" that the proposed sunroom be granted with the exception that the sunroom is the same dimensions as the existing porch. Motion passed 4-0 with a roll call vote.

NEW BUSINESS

Approval or Denial of Building Permit Application at 114 E Lakeview Avenue

Paul Caruso, Corban Construction, gave background on the proposed building permit at 114 E Lakeview Avenue.

Member Lehning asked why the garage wouldn't be in the front of the house. **Paul Caruso** said the home owners would like to have the addition in the front so that they can enjoy the views of Little Lake Harris.

Member Ricci asked if there would be a wall separation from the bathroom to the garage. **Paul Caruso** replied yes.

Member Ricci said that the proposed building permit would be an improvement to what is existing.

Chairman Llewellyn said that the addition still has to meet the setbacks. **Paul Caruso** replied that he would resubmit plans to meet the setbacks.

Member Lehning, seconded by **Member St. Clair**, moved to approve that Corban Construction submit revised plans to meet the required setbacks to Town Hall for the Building Official to review and approve. Motion carried 4-0 with a roll call vote.

Discussion: Historic Overlay Zoning

Town Planner Harowski said at the recent Town Council meeting, the Council authorized the development of the zoning overlay concept for presentation to the Planning Board. The Council is looking for recommendations from the Board on the concept as presented in my report to the Council. The key points in the overlay concept are:

- Maintenance of the underlying zoning while adding a historic designation to the property that allows for some alternative uses if required to preserve the historic asset.
- Application of the overlay zone through the Town's normal zoning amendment process so that there is adequate public notice and opportunity for the public to participate in the process.
- Creation of a Historic Preservation Management Agreement (HPMA) which would operate like a planned unit development to set forth regulations for the use and development of the historic property. The HPMA is really the heart of the process as it provides the specifics for governing activities on the historic property site.
- Should the historic resource be removed for any reason, the historic designation would be lost and the property would revert to the underlying zoning.

Member Lehning asked Town Planner Harowski to clarify what he means by "should the historic resource be removed." **Town Planner Harowski** said if a natural disaster demolishes the historic structure the property would revert back to the underlying zoning.

Town Planner Harowski said Town Attorney Ramos recommends that the applicant meet both criteria in order to qualify for a historic overlay. 1. The historic or archeological asset is listed on the National Register of Historic Properties; designated by the State of Florida as a historic or archeological resource; approved by the Town Council as a locally significant site. 2. The original use of the building or site no longer functions in the current environment or would create negative secondary impacts to the surrounding neighborhood if utilized for its original use.

Martha Macfarlane, 210 E Cypress Ave, asked if an applicant would have to reapply for a zoning change if the resource that deemed it historic was removed or demolished even if they were to try and recreate the historic resource. **Town Planner Harowski** replied yes.

Charles Richardson, 214 E Laurel Ave, asked if the historic resource was the structure not the land. **Town Planner Harowski** said the historic resource is what is deemed to be the “historic” whether it be the structure or land.

There were no recommendations from the Planning and Zoning Board to the Town Council.

Chapter 6: Recreation and Open Space Element

Town Planner Harowski gave background on the Recreation and Open Space Element. He said the Recreation and Open Space Element is another one of the population based elements in terms of assessing level of service compliance and needed facilities. As we have seen with other population based elements, the service demands are less than projected in 2010 due to the lower population growth. This section will examine the changes that have occurred since 2010 and identify any needed updates to the plan element.

Town Planner Harowski said the nature walk in the Sarah Maude Mason Preserve has undergone renovation and educational signage has been added. Central Park has been upgraded with the expansion of the basketball court to a full-size court; the addition of play equipment; a picnic facility and a four-square game court. Griffin Park is being upgraded with new play equipment and upgraded seating and picnic facilities. The Town is also seeking funding to add structured parking to the boat ramp. While these improvements are not adding park area, they are improving the recreational opportunity and experience for Town residents and visitors.

Town Planner Harowski said that a review of the goals, objectives and policies did not identify any obvious amendments. The policies include recommended facilities per unit of population (Policy 1.1.2) but these are guidelines rather than minimum levels of service. Many of the noted facilities are provided by the private sector such as tennis and golf (Mission Inn) and by Lake County for team sports. The capital improvements element has included proposals for long-range provision of park space keyed to the planned Village Mixed-Use projects. The facilities are identified as the north and south neighborhood parks. As the Village Mixed Use projects develop, the Town will include park facilities in the planning of these developments. The Town may want to formalize this intent in the plan policies. The plan element also includes specific policies about open space to be incorporated into new development. These policies have been adopted into the Town’s land development regulations and are being implemented as new development comes forward.

Chapter 11: Public Schools Element

Town Planner Harowski said the Public School Facilities Element (PSFE) was adopted in response to a state mandate that public schools be added to local government Comprehensive Plans and that school capacity be included as one component of the concurrency evaluation for new development.

The Planning Board will recall that the concurrency process is designed to ensure that adequate public services will be available to support new development at the time the service impacts of that development occur. This directive put school capacity on the same footing as traffic capacity, potable water and the other basic services that local government provides.

Town Planner Harowski' s recommends that policy 1.1.2 can be deleted as the requirement for the effective date for the initiation of school concurrency has passed and the policy has been implemented. Staff discussed the element with school district staff and they did not indicate a need for any major revisions. He added that no changes to the school concurrency areas are contemplated at this time.

PUBLIC COMMENTS

Charles Richardson, 214 E Laurel Ave, asked to clarify what the recommendation was for Ann Griffin's Variance. **Administrative Assistant II Burke** replied that the Planning and Zoning Board recommend to the "Board of Adjustments" that the proposed sunroom be granted with the exception that the sunroom is the same dimensions as the existing porch.

The meeting adjourned at 7:45 p.m.

Chairman Llewellyn

ATTEST:

Dairian Burke
Administrative Assistant II